

REMARKS

Claims 9, and 11-32 are pending in the application. Applicant respectfully requests reconsideration in view of the amendment and remarks submitted herewith.

Claim 16 is objected to due to informality. Applicant has amended the claim, rendering the objection moot. Accordingly, Applicant respectfully requests the objection be withdrawn.

Claims 9, 11-15, 24-28 and 32 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. Applicant has amended the claims to overcome the rejections. Accordingly, Applicant respectfully requests the rejection be withdrawn.

Claims 9 and 11-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bonora et al. (U.S. 5,895,191) ("Bonora") in view of Briner et al. (U.S. 5,810,537) ("Briner"). For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

Bonora and Briner do not teach or suggest all of the limitations of the claims. In particular, the Examiner generally asserts that the Bonora and Briner teach the door, the cover, and the driving apparatus. However, the claims are more specific and require additional elements. For instance, claims 9 and 11-15 include the following element: "a driving apparatus for moving the cover and the door together within the loader to simultaneously open and close the opening portion and the container claim."

(Emphasis supplied.) Neither Bonora nor Briner teach the underlined portion of the claim. The same is also true of the following claims. Claim 11: "wherein the driving apparatus is provided within a space formed by a front cover and a wall for the driving apparatus." (Emphasis supplied.) Claim 12: "wherein the cover and the

KAW 98-2018-C
10/036,802

door are adapted to move vertically together within the loader." (Emphasis supplied.) Claim 13: "wherein the container mounted on the stage approaches the door horizontally." (Emphasis supplied.) Claim 17: "wherein the cover of the container, unified with the door of the loader within the loader, moves vertically." (Emphasis supplied.) Claim 24-28: "a driving apparatus for opening and closing the opening portion of the loader and the container by moving the unified cover and door within the loader; and wherein the container comprises: * * * a cover which covers the opening port of the container and is to be unified with the door of the loader, the cover and the door are adapted to move within the loader to open and close the opening port of the container." (Emphasis supplied.) Claims 29-31: "moving the cover and the door unified within the loader to open the opening portion of the loader and the container." (Emphasis supplied.)

31. (Previously Presented) The method of claim 29, wherein the cover of the container and the door of the loader unified within the loader is moved vertically.

Claim 32: "a driving apparatus for moving the cover and the door together within the loader to simultaneously open and close the opening portion and the container." (Emphasis supplied.)

Moreover, claim 15 includes the following element: "further comprises a driving device for moving the container mounted on the stage to the door." Claim 30 includes the following element: "wherein causing the container to approach the door of the loader for opening and closing the opening portion of the loader is done by moving the movable stage by a driving device in the loader." This driving device is in addition to the driving apparatus of claim 9 and the driving means of claim 29. Thus, there is a driving apparatus for moving the door and the cover and a driving device for moving the movable stage. Neither Bonora nor Briner teach or suggest those elements.

Thus, for the foregoing reasons, Bonora and Briner do not teach or suggest all of the elements of all of the claims and claim 9 and 11-32 are patentable over Bonora and Briner.

Furthermore, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the

knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992); MPEP § 2143.01.

In this case there is no motivation to combine the references because the references are both dealing with completely different systems. Bonara is a sealable, transportable container that is used during semiconductor processing. While Bonara is concerned with keeping the wafer in an uncontaminated state, the entire reference deals with keeping the wafer in an uncontaminated state during the semiconductor processing and while the wafer is only located in the high cleanliness room. The container of Bonara is part of a bigger system that is contained in a high cleanliness room in which the semiconductor is processed. Bonara has nothing to do with transporting a wafer into and out of a high cleanliness room without being contaminated. Bonara is only concerned with sealing the wafer within the high cleanliness room so that the wafer is isolated from ambient atmospheric conditions. The entire reference teaches about sealing the container in order to keep the wafer in a sealed environment. Thus, one skilled in the art would not combine Bonara with Briner because Bonara has nothing to do with moving a wafer into and out of a high cleanliness environment. The two references deal with different problems and each have different solutions. Bonara would never be located in the low cleanliness room and one skilled in the art would not think to locate the device in a low cleanliness room.

Moreover, Applicant submits that the Examiner has used an improper standard in arriving at the rejection of the above claims. In applying Section 103, the U.S. Court of Appeals for the Federal Circuit has consistently held that one must consider both the invention and the prior art "as a whole," not from improper hindsight gained from consideration of the claimed invention. *See Interconnect Planning Corp. v. Feil*, 227 U.S.P.Q. 543, 551 (Fed. Cir. 1985) and cases cited therein. According to the *Interconnect* court

"[n]ot only must the claimed invention as a whole be evaluated, but so also must the references as a whole, so that their teachings are applied in the context of their significance to a technician at the time - a technician without our knowledge of the solution." *Id.*

In this case, the Examiner has plucked certain teachings from two separate references and states that because he has found all of the limitations of the claims that the claims should be rejected.

Accordingly, for all of the reasons set forth above, claims 9, and 11-32 are patentable over Bonora and Briner. Applicant respectfully requests that the rejections be withdrawn.

In addition, claims 33 and 34 have been added. Those claims include the following elements: "wherein the driving apparatus is provided within a space formed by a front cover and a wall for driving apparatus and the cover and the door are adapted to move vertically with the space" and "further comprising a second driving apparatus that is adapted to move the movable stage in a horizontal direction toward and away from the opening portion in the wall." Neither Bonara nor Briner teach or suggest those elements. Thus, claims 33 and 34 are allowable claims.

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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KAW 98-2018-C
10/036,802

11